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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/808,375	03/25/2004	Kenichi Takahashi	018775-898	4728

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EXAMINER

WORKU, NEGUSSIE

ART UNIT	PAPER NUMBER
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2625

NOTIFICATION DATE	DELIVERY MODE
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04/16/2009

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

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Response to Arguments

1. Applicant's arguments filed February 24, 09 have been fully considered but they are not persuasive for the reason given below.

Regarding claims 1, Applicant alleged the combination of Morimoto (USP 6,944,358), in view Beek et al. (USP 2002/0091665) fails to show or suggest the claimed invention of claims 1. In response, the Examiner respectfully disagrees because the test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of the primary reference; nor is it that the claimed invention must be expressly suggested in any one or all of the references. Rather, the test is what the combined teachings of the references would have suggested to those of ordinary skill in the art. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981).

In this case, the Examiner asserts that the combination of Morimoto (USP 6,944,358), in view Beek et al. (USP 2002/0091665) when considered as a whole clearly teaches the claimed invention as specifically disclosed in claims 1, 4, 8 and 9, are well-known in the art at the time of the invention was made.

In particular, Beck '665' clearly suggested using JPEG2000 file format similarly used or intended to having image description format for rendering of an image between plurality of image processing system which performs in color image transmission (col.1,

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paragraph 0014, lines 16-20). In view of the above, having the system of Morimoto '385' and then given the well established teaching of Beck '665', the Examiner asserts that it would have been obvious to one having ordinary skill in the art at the time of the invention was made to have modified the imaging apparatus of Morimoto (358), by the teaching of Beck '665', and therefore, it should be clear to one skilled in the art that anyone of a wide variety of image processing and coding of digital device can be similarly employed to accomplish this desired result without depending from the teaching of the present invention, for the purpose of providing the ability to progressively access the encoded image in a smooth continuous fashion with having to download, decode, and/or print the entire file, as suggested by Beck '665, in col.1, paragraph 0005).

Further, regarding applicant's arguments discussed in page 3, lines 17-24, in which the arguments are directed not on the claimed limitation of claim 1, rather the arguments are focused on disclosure of the specification. In response to applicant's argument, it is noted that the features upon which applicant relies (i.e., see lines 17-24 of fig page 3) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

In addition, Applicant's arguments fail to comply with 37 CFR 1.111 (b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references.

Finally, for the above reasons, the Examiner asserts that the combination of above discussed prior arts does in fact show or teaches the claimed invention is known to ordinary skilled in the art at the time of the invention was made thus, the rejections are maintained.

Conclusion

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Negussie Worku whose telephone number is (571)272-7472. The examiner can normally be reached on 9A-6PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Coles can be reached on 571-272-7402. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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/Negussie Worku/
Primary Examiner, Art Unit 2625